

LEGISLATURE

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that, had it been made on the floor of almost any other legislative assembly, would have resulted in the ignominious expulsion of the speaker. It was an insult to the senate, to the legislature, to the government, and to the people whom Coelho is supposed to represent. Nothing quite so inexcusable was ever before heard in the senate chamber of the legislature of Hawaii.

Crocodile Tears.

Coelho was playing politics, pure and simple—or rather, impure, and not so simple as it might have been. He was making a grandstand play for votes, the votes of the unfortunate in the leper settlement, and he was not a bit choicer as to his method of going after them. He tried to make political capital out of their misfortunes, and wept crocodile tears over their lamentable condition that he might win their approval and their votes. He disgusted his fellow senators and the gallery, insulted President Smith, accused Governor Frear of crookedness, and intimated that the whole administration is engaged in nefarious practices which only he had the acumen to detect.

Smith Is Insulted.

The Dump Cart Statesman of Maui got a strange hold on the English language and threw it all around the room. He shook his fist in the face of the venerable president of the senate and accused him of having railroaded to the leper settlement poor wretches who were not afflicted with disease. He pointed an accusing finger upward and intimated that the Chief Executive of the Territory was a grafter. He called down anathema upon all who opposed his wishes, and intimated that there is a place waiting for the conscienceless wretches who did not look at matters as he did.

Coelho Oozes Pathos.

And he wept. Those in the gallery could actually hear the tears gurgle down his neck. His voice choked—at the psychological moment; he oozed pathos; pity for the unfortunate dripped from every pore; his voice ran up and down the scale like that of a music teacher practicing vocal exercises. Then he would spring from tears to denunciation. He thumped the desk with a heavy fist, threw his books and papers about, acted as if his great love for his constituents had overpowered him. Then, without the pause of a second, he would drop into some other artifice of the eloquist. He is a great orator, the Dumpcart Statesman of Maui. Joe Cohen ought to have him on the Orpheum stage—as a comedian.

It was all because the senate was not inclined to allow him to crowd in a lot of his private measures. Other senators and representatives—probably all of them—have in their desks anywhere from one to fifty bills prepared by their friends and loving enemies, which, if they thought it proper to do so, they might introduce. But none of the rest of them has violated the spirit of the tacit agreement that no other business than that connected with the amendment of the Organic Act should be considered.

Indecent Haste.

Coelho, however, with indecent haste, rushed in the first day of the session four bills, all either directly or indirectly for his own benefit. They may be good bills; as a matter of fact, most of the senators think they are. But there was no urgent need of their being presented—with the possible exception of one. But Coelho knows that his case in Maui is dough as things stand now, and he was trying to square himself with his constituents whom he has disgusted. In the course of his speech he took occasion several times to declare that he is a Republican—and almost in the same breath he threatened the Republican members that if they did not back him up in his demands he would make them a political issue at the next election.

Crooked Politics.

And Coelho knew very well that there was not the ghost of a chance of his bills passing. Even if they get through the senate, they will be killed in the house—and he knows it. In fact, he told some of the senators, "You vote for these bills up here and we will let the house kill them."

The trouble arose when Senator Quinn objected to the senate's acting at all on Coelho's bills, on the ground that it could not constitutionally do so because the legislature was called in special session for a particular purpose and could not legally consider any measures extraneous to that purpose. And then Coelho threw his oratorical fit.

Coelho received some support from his fellow members, Chillingworth taking the ground that the senate could consider any legislation that it saw fit, the only question being one of policy. In the end, after the noon recess, the senate voted to consider Coelho's bills, but to shut out any others. This is simply passing the buck to the house, hoping that the lower body will put the knife in the Coelho measure. Maybe it will. If it doesn't, the Governor probably will.

All the nominations made by the Governor since the legislature adjourned were confirmed by the senate, no opposition being offered to any of them.

SENATE—MORNING.

As soon as the day opened in the senate, Knudsen presented a report from the committee on ways and means upon Coelho's bill to provide for the payment of inheritance tax to the counties, a majority recommending its passage. Chairman Knudsen, while approving of the purpose of the bill, dissented from the majority on the ground that the special session should not take up matters for which it was not called, recommending, therefore, that the bill be laid on the table.

Similar reports were made on Coelho's bills to exempt small fishermen and peddlers from license fees, and appropriating \$50,000 for the relief of persons released from the Leper Settlement, Knudsen dissenting as in the first case.

With regard to the license bill, the committee says: "Your committee believes that the loss of revenue to the Territory would be so small that it would not be noticed, whereas the en-

forcement of the law in such cases might create a real hardship and drive all the sellers of flowers and leis out of business."

The various reports were laid on the table to be considered with the respective bills.

House Bill No. 1, providing for sessional expenses of that body, passed first reading.

Lahaina Lands.

Coelho, with a speech, presented a concurrent resolution, which was referred to the committee on public lands.

This asked that title be granted on certain public lands at Lahaina which have been occupied by private persons since the time of the grand mahele of lands.

Pay of Officers.

Brown presented a resolution appropriating the pay of officers of the senate as follows: Clerk, \$12 a day; assistant clerk, \$9 a day; sergeant-at-arms, \$5 a day; messenger, \$3 a day; janitor, \$3 a day; chaplain, \$25 the session.

President Smith called attention to the fact that the pay proposed for the assistant clerk was one dollar more than that paid at the regular session.

Quinn moved to amend the resolution to make the pay of the assistant clerk the same as last session. Lost, 5 to 4. Makekau moved that the sessional pay of the chaplain be \$50 instead of \$25.

Quinn regarded it an outrage to have raised the pay of the assistant clerk. The session might only last a few days, but the people looked to them to be economical.

Makekau contended that the proposed raise of the chaplain's pay was not out of proportion to the \$200 allowed to senators.

The amendment carried, 6 to 5, on a show of hands.

Land for Persons Released From the Settlement.

Harvey presented the following resolution:

Resolved, That it is the sense of the legislature in special session assembled that the governor of the Territory set aside suitable public lands for the purpose of placing such of the persons who were segregated at the leper settlement at Molokai and who were examined since April 1, 1909, and found free of the disease of leprosy and ordered to leave the settlement, as may apply to locate thereon, upon such terms and conditions as the Governor may prescribe.

Referred to the committee on public lands.

General Legislation.

House joint resolution for the relief of homesteaders passed first reading on motion of McCarthy.

Chillingworth, referring to the action just taken, suggested that the question should be determined now whether other matters other than the proposed bill to amend the Organic Act could legally be taken up at this special session.

President Smith did not regard it proper to take up general legislation except in cases of emergency, but this house resolution was not foreign to the special business of the session. It might help in the problem of amending the Organic Act.

Chillingworth accepted the ruling.

Order of the Day.

Senate bill No. 1, appropriating \$5000 for the sessional expenses of this branch passed third reading.

Coelho's bill increasing the salaries of certain officers of the county of Maui came up under the report of the special committee recommending its passage.

A motion by Coelho to adopt the report of the committee, which would pass the bill on second reading, was lost on a show of hands.

This was the first setback to general legislation at this special session, but the battle royal was yet to come.

The Fight On.

Coelho scored the next point in the game when his motion to take up reports of the committee on ways and means upon certain bills carried.

Then he moved the adoption of the majority report recommending the passage of senate bill No. 3, relating to license fees for the sale of fish, etc.

President Smith called attention to the fact that the bill was foreign to the purpose for which this session of the legislature was called.

Quinn called for a ruling of the chair on the question of general legislation.

Coelho argued at length for the legality of the procedure in question. The constitution of the State of New York specifically prohibited legislation at a special session foreign to the purpose for which the legislature was called. Our Organic Act did not prohibit it, which the speaker regarded as a significant fact. In 1904 the attorney-general filed an opinion on the question, and at the special session of that year Mr. Knudsen, then a member of the house, voted in favor of a bill not related to the special business which nevertheless became law.

From this Coelho argued rapidly in favor of his various bills, contending that some of them came under the category of emergency. Young men were deprived of their constitutional right of voting by one law he sought to have amended. Small dealers in fish and even the women selling flowers on the street corner in Honolulu were liable to arrest today under the mercenary license law. In loud and impassioned tones, proclaiming himself a Republican, he appealed to his colleagues and to the president by name not to obstruct the measures of needed relief for various classes of the people.

Quinn again asked for a ruling before going ahead.

Question of Policy.

Chillingworth thought Coelho was correct in his legal contention, but the question with him was whether it was good policy to take up other legislation than that for which they had convened. He felt much sympathy with Coelho, who was one of the hardest working members of the senate. Some of his bills were very desirable, but it was for the senate to decide whether it was good policy to take them up now. He concluded by moving:

"That it is the sense of the senate that no subject matter foreign to the object for which this session has been called shall be considered."

Coelho said that if this were adopted even the bills appropriating legislative expenses would be illegal.

McCarthy stated his opposition to taking up foreign matter.

Baker agreed with Chillingworth that it was up to the senate as a mat-

ter of policy. Except for emergency, he did not think it proper to go into subjects outside of the call. Some of Coelho's bills were of an emergency nature, the speaker giving instances of hardships that they would avoid.

Robinson did not think it right to raise the question now, or bring in a motion to quash everything of a general character already done. The resolution should have been introduced at the opening of the session.

Knudsen, asked by the chair for his opinion, said he believed if a bill contained a matter of emergency and the Governor signed it, it would be legal. He agreed that it was a question of policy. It was not fair to introduce general legislation when some members were absent in Europe and on the Coast. He thought it would be wise policy to refrain from general legislation. Some of the laws proposed to be amended had been in force but a few months, and there had not been time to see how they were working. He believed he could give a ruling in favor of the legality of admitting general legislation, yet would vote against taking up matters of that character.

Coelho Agrees on Limit.

Coelho, in closing, said the matter should have been brought up on the first day. He heartily agreed with the sentiment that there should be a limit, and on introducing his string of bills the first day he announced that he would have no more. On the other hand, the senate had the power, as exercised sometimes at regular sessions, of setting a day beyond which no new measures should be introduced. It could have taken such action at the outset, as it could have decided the present question, but did not. Moreover, the passage of his bills would not cost the Territory one extra cent.

A communication from the house was read, announcing its passage of house resolution No. 1.

President Smith ruled that it pertained to the proposed Organic Act amending bill, and at his suggestion it was laid on the table to be considered with that matter.

Appointments Confirmed.

President Smith announced the special order of the day to be consideration of the Governor's appointments.

McCarthy stated that he had heard no objections to any of the appointments, therefore, to save time, would move that all the appointments in the Governor's message, No. 2, be confirmed.

Coelho asked for information if George W. Woodruff was the second judge of the federal court, and, being answered in the affirmative, was satisfied.

On the suggestion of Knudsen, for the observance of due form, the list of names was read through.

Woods asked if David L. Conkling, appointed as treasurer, was the gentleman mentioned some time ago as one of those who were going to reorganize the Republican party. If so, he would be proud to vote for him. (Laughter.)

The motion carried.

General Legislation.

Coelho, on the president's announcement that the next order of the day was consideration of the concurrent resolution covering the proposed amendment of the Organic Act, called for a ruling on the question of general legislation.

President Smith ruled that general legislation would be legal. Some States prohibited such procedure in their constitutions. The Organic Act contained no such limitation. The question of taking up general legislation was entirely one of policy.

Coelho then moved that the reports on his bills be taken up.

Makekau called for a vote on Chillingworth's motion of the morning session.

Baker offered an amendment to that motion, to the effect that the general legislation already introduced be considered, but that no new bills be introduced.

"What is the use of voting on Chillingworth's motion if Baker's amendment passes?" Woods inquired.

"What about the house if it chooses to introduce bills? I understand the house has passed a motion to confine business to the special matter in the Governor's message. If I were a member of the house I would vote against all these bills."

After a general conversation, much of it in the nature of chaffing, Baker's amendment carried on the affirmative votes of Baker, Brown, Coelho, Harvey, McCarthy, Quinn and Robinson. There was no need to count the opposing hands raised, with but thirteen members in attendance.

Coelho Wins and Loses.

Knudsen moved that the senate go into committee of the whole to consider the proposed amendments to the Organic Act.

Coelho moved in amendment to finish the business on bills on which committees had reported. This was carried with eight votes.

The fish-selling license bill passed second reading, 7 to 3.

The bill providing for the payment of the inheritance tax was lost on the casting vote of the president, who gave as the reason for so deciding that this matter of the finances of the government was settled at the regular session.

Amended by the committee of ways and means to reduce the amount appropriated from \$50,000 to \$5000, the bill for the relief of persons released from the leper settlement passed with Robinson alone dissenting.

A report of the judiciary committee was adopted, 7 to 3, to lay on the table the bill to enable persons attaining the age of twenty-one years on or before the day of any general election to register.

So far as action has gone, Coelho carries three and loses two of his general legislation bills, the Maui County salary bill having passed second reading at the morning session.

The Organic Act.

Knudsen was called to the chair of committee of the whole to consider the proposed amendments to the Organic Act. He proposed that the bill as amended by the house be first read, which was done.

Sections 1, 2, 3, 6, 7, 8 and 9, which had passed the senate yesterday with an amendment to the proposed increase of salaries of legislators the same as the house made, were all passed without discussion.

McCarthy moved his amendment offered yesterday to section 4, relating to public loans, saying it was in line with the joint resolution passed by the

house which passed first reading in the senate at the morning session.

Baker offered the following amendment to the amendment, which McCarthy accepted as being in better shape than his amendment, and Smith supported it:

Provided, that, subject to the approval of the President of the United States, the legislature of the Territory may provide for loans of public moneys or guarantees of private loans on proper security to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities.

Coelho asked if the proposed amendment was not opening the way for people not already here to obtain advantages over present citizens of the Territory.

Smith pointed out that the matter is left to be legislated on by the Territory of Hawaii, with the approval of the President.

Coelho started to speak on the abolition of the office of high sheriff, and was informed that the provision had been eliminated from the bill.

The Education Amendment.

McCarthy called up the amendments offered yesterday for the aid of education.

Smith thought either proposal would be objectionable tacked on to amendments to the Organic Act. One provided for receiving the income of one-third of the customs receipts, which would be only about \$12,000 a year. The other was for one-third of the customs receipts, which would be something like \$400,000. If they tried to make an amendment to the Organic Act giving us \$400,000 or \$500,000 a year, the passage of the bill would be endangered.

Coelho—"Do you withdraw your amendment?"

Smith—"Yes, I do."

Coelho—"I hate to let it go, but for the sake of harmony I withdraw my amendment."

The Land Laws.

Smith moved that Section 5, relating to the land laws, pass as passed by the house.

Coelho moved the following amendment:

"Strike out all of the words from the word 'No' in line 3 of Section 5 down to the end of the section, and insert in lieu thereof the following:

"The legislature of the Territory of Hawaii shall have power to alter, amend or repeal the land laws applicable to the Territory."

McCarthy seconded the amendment, and asked for a vote then, so that if a majority was against it the senate could take up the section as passed by the house.

Woods considered the amendment a good one, but they would be taking chances in passing it. They must remember that all territorial property was vested in the federal government. He believed it was the desire of the federal government to give the Territory a free hand, but yet it might want to retain some little control in case we went too far. This amendment might destroy the chances of the passage of the bill by congress.

Coelho Opens Fire.

Coelho said not a word had been received from Washington to advise the Territory on this point, nor a word from the members of congress lately visiting the Islands. As a member of the legislature, he had a right to be advised. He believed they were being imposed upon.

A law was passed in 1850 prohibiting Hawaiians from going abroad without special permission. The object was to prevent Hawaiians from being educated for fear they might get the upper hand. Had they the interests of the Hawaiians at heart they would have educated them, but all they did was to encourage them to become sky pilots.

If those good people felt an interest

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—AT—

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in the Hawaiians, why did not the trustees of Kamehameha Schools try to find employment for its students on plantations instead of placing Filipinos there?

"What are you talking about?" the chair asked.

"On the merits of the bill," was the reply.

"I have no faith in the policy of the administration," Coelho went on. "At last session we sustained the vetoes of the Governor, but shortly after we adjourned an employee of The Advertiser was given a good office and George Smithies, a Hawaiian, long in the service of the government, had to hunt for a job."

"In a way, I am representing Link McCandless and his views. [Chairman Knudsen—"Poor old Link!"] At no time in the session of 1909 did I mention the name of H. P. Baldwin, but today, if I hold out my hand to Senator Baldwin, he refuses it, because Senator Smith wrote to him, saying that I made a statement regarding him on the floor of the senate."

Smith called the speaker to order for personalities not relevant to the subject under discussion.

Coelho said he was giving the reasons which prompted him to stand aloof from the men who persecuted him.

Chillingworth said that one remark of Coelho was pertinent, that regarding advice and information. They went on record at the regular session as supporting Delegate Kuhio's bill. He would like to hear from the delegate, who was present.

Delegate Kuhio from behind the bar spoke substantially as follows:

"I do not know if I have anything to suggest to this body. You are here to advise me but if there is any doubt in your minds as to the merits of the bill I should be glad to clear it up."

Woods asked if the amendment by Coelho would endanger the bill.

"As far as I am concerned," Prince Kuhio answered, "I am in favor of giving the legislature full control of the public lands. I introduced a bill for that purpose last session. But on consultation with the committee I was led to believe that it would be impossible to have such a measure pass congress. Members of congress say that they consider our land laws are good. Our laws should be in harmony with those of the Nation."

"You are legislating for the whole Nation when you deal with the land laws. I am in favor of the amendment but it will never pass. You may pass a separate resolution to that effect—it will do no harm—but nothing of the kind will ever pass congress. Do not kill a good bill for the sake of a hobby. You want to take the matter

out of the hands of the administration—you are getting that privilege here. You can not take the power away from congress because it is a national matter."

Smith said States and Territories had some control over land matters, but the United States never lets go control of the public lands. The congressional visitors told them to let congress know what they wanted, but it was no use to ask congress to give up its control of the public lands.

On the question being put only four members voted for the amendment and it was declared lost.

Anti-Alien Proposal.

McCarthy deferred a vote on the main question by offering the following amendment:

Resolved, That section 5 of the proposed bill, etc., be amended by inserting a new paragraph in said section 5 after the paragraph ending in these words: "Provided that these prohibitions shall not apply to transfers of acquisition by inheritance or by tenants in common," which said new paragraph shall read as follows:

"No land for which any such certificate, lease or agreement shall hereafter be issued, or any part thereof, or interest therein or control thereof, shall thereafter, whether before or after a homestead lease or patent has been issued thereon, be cultivated or worked in any manner whatsoever by aliens."

Chillingworth seconded the resolution.

Smith said that in the measure before them the matter of title to aliens was clearly guarded. No alien could directly or indirectly obtain title. Nor could a corporation. "But when you say a homesteader can not employ an alien, in the interests of homesteaders, it is objectionable. A homesteader may find profitable employment off his homestead, and want to employ labor to cultivate the land. He may not know whether the laborer he employs is an alien or not. I am not speaking with any reference to corporations—they are not to be considered here."

McCarthy in reply spoke of the homesteads at Wahiawa, now wholly under cultivation by Japanese.

"That can not happen again under this bill," Chairman Knudsen observed.

Chillingworth asked if the amendment would forbid an alien cook from being employed on a homestead.

"I do not know," Smith replied, "but under it a homesteader can not employ an alien to cut bushes or do any of the rough work of clearing the land. Must be put to it, every time he wants to employ a man, to find out whether he is a citizen or not? He can not, under this amendment, hire an

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